

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	Case No.: 19-23752-GLT
MARTIN J. VIALE AND DONNA M. VIALE	Chapter: 13
Debtor(s)	Related to Document No. 28, 76
CITIBANK, N.A., AS TRUSTEE FOR CMLTI ASSET TRUST	Hearing Date: September 4, 2020
Movant	
MARTIN J. VIALE AND DONNA M. VIALE	
Respondent(s)	

**OBJECTION OF CITIBANK, N.A., AS TRUSTEE FOR CMLTI ASSET TRUST TO  
DEBTOR'S AMENDED CHAPTER 13 PLAN**

CITIBANK, N.A., AS TRUSTEE FOR CMLTI ASSET TRUST ("Mortgagee"), objects to confirmation of Debtors' Amended Chapter 13 Plan and asserts in support of its Objection as follows:

1. Movant's claim is secured by a mortgage on Debtors' property at 3658 Watson Road, Stow, New York 14785.
2. The Debtors' filed a Chapter 13 Plan on October 23, 2019 and a Amended Chapter 13 Plan on July 30, 2020.
3. The claims bar date is December 4, 2019. Movant filed a claim on or before the bar date with pre-petition arrears estimated at \$7,097.80.
4. Debtors' Chapter 13 Plan provides for payment of mortgage arrears of \$144.27. The Plan only covers the current monthly mortgage payment. The Plan does not provide for any payments to be made outside of the Plan. The mortgage has been in default since October 1, 2016.
5. The Plan lists the creditor as Selene Finance while the Proof of Claim was filed by Fay

Servicing, LLC for Citibank, N.A., as trustee for CMLTI Asset Trust.

6. Based on Debtors' Schedules, the Plan does not appear feasible due to the representation that sufficient disposable income is not available to support the proposed Plan payments. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(6) and cannot be confirmed.

WHEREFORE, CITIBANK, N.A., AS TRUSTEE FOR CMLTI ASSET TRUST, prays that the Court deny confirmation of the Debtors' Amended Plan.

Date: August 24, 2020

By: /s/ Ashleigh Levy Marin  
Ashleigh Levy Marin, Esq.  
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Attorney I.D. No. 306799  
FEIN, SUCH, KAHN & SHEPARD, P.C.  
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Attorney for Movant/Applicant

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MARTIN J. VIALE AND DONNA M. VIALE Respondent(s)	

**CERTIFICATE OF SERVICE**

I, Kelly Neumann, Paralegal certify under penalty of perjury that I caused to be served the above captioned pleading Objection of CITIBANK, N.A., AS TRUSTEE FOR CMLTI ASSET TRUST to Debtor's Chapter 13 Plan on the parties at the addresses shown below or on the attached list on August 24, 2020.

The types of service made on the parties were: Electronic Notification and First Class Mail.

Service by Electronic Notification	Service by First Class Mail
<u>Debtor's Counsel:</u> <b>Brian C. Thompson, Esq.</b> Thompson Law Group, P.C. 125 Warrendale Bayne Road Suite 200 Warrendale, PA 15086	<u>Debtor(s):</u> <b>Donna M. Viale</b> 30 Ashley Road Gibsonia, PA 15044  <b>Martin J Viale</b> 30 Ashley Road Gibsonia, PA 15044
<u>Trustee (if applicable):</u> <b>Ronda J. Winnecour, Esq.</b> Suite 3250, USX Tower 600 Grant Street Pittsburgh, PA 15219	

If more than one method of service was employed, this certificate of service groups the parties by the type of service. For example, the names and addresses of parties served by electronic notice will be listed under the heading "Service by Electronic Notification" and those served by mail will be listed under the heading: "Service by First Class Mail."

Date: August 24, 2020

By: /s/ Kelly Neumann  
Kelly Neumann  
Paralegal

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**ORDER**

Upon consideration of the Objection to Confirmation of the Chapter 13 Plan filed by CITIBANK, N.A., AS TRUSTEE FOR CMLTI ASSET TRUST, it is ORDERED AND DECREED that CONFIRMATION IS DENIED.

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Bankruptcy Judge